

For a proper rejection under 35 U.S.C. §102(a), all of the elements of the claim must be present within a single prior art reference. In re Bond, 15 U.S.P.Q. 2d 1566 (Fed. Cir. 1990).

The instant application claims priority to JP 54977/1995 filed on February 20, 1995 and JP 207508 filed on July 21, 1995. A certified copy of an English translation of JP 54977 and JP 207508 is enclosed. The priority documents, JP 54977 and JP 207508, antedate the earliest priority date of the '614 publication. SEQ ID NOS. 1, 2 and 3, elements of independent claim 32 are disclosed on pages 33-34 of JP 207508. Thus, Applicants were in possession of the claimed invention including the amino acid sequence as provided in SEQ ID NOS. 1, 2 or 3 recited in claim 32 before publication of WO 97/23614. Accordingly, WO 97/23614 is an improper §102 reference. Publication of SEQ ID NOS. 1, 2 or 3 in the '614 publication occurred after the inventors possessed the claimed invention. Applicants respectfully request withdrawal of the rejection of claim 32, and claims 33-35 which depend from claim 32.

CONCLUSION

Applicants respectfully urge, in view of the foregoing remarks, that claims 32-35 are in condition for allowance. Accordingly, Applicants respectfully request reconsideration of the claims and favorable action in the application. If the Examiner believes a telephone conference with the undersigned representative would be helpful in expediting prosecution of this application, he is urged to call the undersigned at (617) 248-7044.

Respectfully submitted,

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